

### **REMARKS**

Claims 2, 10-15, and 25 are amended. Claims 4 and 22 were previously canceled without prejudice. Thus, claims 1-3, 5-21, and 23-27 are pending in the application for consideration. Support for the amendment may be found throughout the specification including paragraphs [0046], [0051], [0053], [0070], [0072], and [0073]. In view of the following remarks, Applicant respectfully requests the application be allowed and forwarded on to issuance.

### **INTERVIEW SUMMARY**

Applicant's counsel, Nathan Grebasch, wishes to thank Examiner Stork for conducting a telephonic interview on July 7th, 2009.

During the interviews, the Examiner and Counsel discussed U.S. Patent Application Publication No. 2002/0169797 (U.S. Application Serial Number 10/046,135) naming Hegde et al. (hereinafter, "Hegde"). An agreement was reached that Hegde is not a reference within the meaning of 35 U.S.C. §102.

If any issues remain that would prevent the allowance of the application, Applicant requests that the Examiner contact the undersigned attorney to resolve the issues.

### **Rejections Under 35 U.S.C. §§ 102, 103**

Claims 1-3, 5-7, 9-14, 16-20, and 23-27 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,985,934 to Armstrong et al. (hereinafter "Armstrong") in view of Hegde. Applicant traverses the rejection.

This Application is a continuation-in-part of Hegde. Thus, the pending rejection is improper because this Application is accorded the same effective filing date as Hegde under 35 U.S.C. §120 for the material disclosed in Hegde. As a result, Hegde is not a reference within the meaning of 35 U.S.C. §102 to this Application.

Moreover, for the sake of argument only, even if Hegde was art within the meaning of 35 U.S.C. §102(e), the present application and Hegde were commonly assigned at the time the claimed invention was made. Accordingly, Hegde may